

Excerpts
Planning Commission Minutes
April 12, 2006

Application No. UP-677-06, 7-Eleven, Inc.: Request for a Special Use Permit, pursuant to Section 24.1- 306 of the York County Zoning Ordinance (Category 10, No. 5) to authorize a 2,807-square-foot convenience store with accessory gas pumps (8 fueling stations) on two parcels located at the northwest corner of Hampton Highway (Route 134) and Big Bethel Road (Route 600) and further identified as Assessor's Parcel Nos. 37-81 and 37-90. The property is zoned GB (General Business) and is designated for Limited Business in the Comprehensive Plan.

Amy Parker, Senior Planner, summarized the staff report to the Commission dated March 27, 2006, in which the staff recommended denial. Should the Commission wish to recommend approval, however, she noted the staff had attached the draft Resolution No. PC06-3. Ms. Parker also noted that the site is designated for Limited Business uses in the Comprehensive Plan.

Ms. Parker stated that the Virginia Department of Transportation would require 300 feet of turn lane for the Hampton Highway entrance; the applicant's plans indicated only 150 feet. **Mr. Hamilton** noted the existence of a 7-Eleven in the vicinity [Big Bethel Road] and asked if it is slated for closing; **Ms. Parker** said that was not part of the application and could best be addressed by the applicant.

The Chair opened the public hearing.

Mr. Steven Romine, 7-Eleven, Inc., 3052 Lynndale Drive, Virginia Beach, noted the property in question is currently zoned GB (General Business) which permits a use such as the applicant proposes. He said it would not generate traffic as much as it would intercept traffic already on the roads. The physical characteristics of the site suggest a small, intense development. He discussed buffers and green space and proposed constructing a bus shelter on Swain Lane. Mr. Romine pointed out that the proposal indicates a 20-foot buffer as well as a fence and green space, offering what he considered a better screen than currently exists. The major challenge facing development, he believed, is keeping the entrances safe and still meeting site requirements; entrances are proposed as far as possible from private property. The application as proposed would meet all County requirements, he said. He added that the applicants met last year with neighboring citizens.

Mr. Romine said he understood the County was interested in the economic impact of the proposed use and figured the total tax generation would be \$189,000 per year, based on current tax rates, with a four-year \$4 million positive impact.

Mr. Romine addressed Mr. Hamilton's question by stating there is no intention to close any existing 7-Elevens in the areas near the site.

Mr. Romine requested permission for a small Citgo logo on the gas pump canopy, and also to reduce the transitional buffer proposed in Condition No. 10 from 35 feet to 20 feet.

Mr. Bill Cashman, URS Corporation, 5540 Falmouth Road, Richmond, VA, stated that he is a traffic engineer retained by the applicant. He noted the current level of service at Big Bethel Road and Hampton Highway would remain at "D" even with the addition of the proposed 7-Eleven convenience

store. He noted the ITE Journal had conducted a study and published its results, which concluded that 70% of traffic patronizing a convenience was already on the roads and only 24% more traffic was generated by the existence of the store. He said other possible uses of the site would generate more net traffic than a convenience store. Mr. Cashman said accident records from 2003 through 2005 indicated 45 reported accident in the vicinity, only 7% of which were on, near or passing the proposed site. He therefore did not believe the proposed 7-Eleven would exacerbate existing traffic problems.

Mr. Ulysses S. Robinson, 2105 Hampton Highway, believed it would be a travesty to approve the application. Additional traffic would come from Tabb High School, he believed, adding more traffic to the surrounding roads. He was concerned with increased crime, downgrading the neighborhood, and the presence of a 7-Eleven and a Food Lion nearby that could provide duplicate or similar services. He said that he and his neighbors like the neighborhood the way it is. He recommended denial.

Mr. Abel asked for an estimate of how many trips per day would be added to traffic in the vicinity. **Mr. Cashman** said the gross number of vehicle trips added to adjacent roadways during peak periods would be estimated at 300 per hour, with an estimated 2,300 trips throughout the day.

Discussion followed about past accidents in the vicinity and where they occurred, and the market captured by the proposed 7-Eleven as well as the 7-Eleven on Hampton Highway.

Mr. Barba asked Mr. Romine if 7-Eleven, Inc. was amenable to agreeing not to close the Hampton Highway 7-Eleven for a specific period of time. **Mr. Romine** replied there is no plan at present to close it but he did not think that could be guaranteed without Board of Directors' approval. However, the 7-Eleven in question has operated for a number of years, he pointed out, and it is very unusual for the corporation to close a store.

Mr. Barba mentioned a 7-Eleven on Route 17 that was closed and **Mr. Romine** explained that some of the older stores were franchised operations; he was not aware of the specifics of that particular closing, but he could look into it.

Mr. O'Connor asked about crime statistics for the area. **Mr. Romine** did not have data with him to specifically respond to her question, but pointed out that 7-Eleven is "the leader in the industry of convenience gas" related to safety, no more than \$50 is available to employees at any time, and the stores are well-lit and equipped with cameras. The stores maintain strict rules on loitering and encourage the visibility of law enforcement personnel, enjoying a reputation as "police friendly."

Ms. Connor mentioned traffic accidents at the intersection of Hampton Highway and Big Bethel Road. **Mr. Romine** noted that VDOT has raised concerns about the safety of that particular intersection. The site in question is zoned GB and because the applicant was unable to get the adjacent property owner to agree to a shared access, he knew it was not an ideal situation. However, an owner of the property has the right for an entrance off Hampton Highway to serve a commercial use and the applicant is offering to provide the highest degree of safety and aesthetics that it can, he added.

Mr. Hamilton asked if the intent is to operate the store 24 hours per day, if there would be outside public telephones, and if the applicant would tend to trash removal from the property. **Mr. Romine**

said the store is intended to stay open 24 hours per day; there would be no phones outside; and a screened island would contain the trash receptacles; staff would monitor and pick up trash on and around the perimeter of the site throughout the day.

Mr. Davis inquired if the applicant had offered to buy land to the west of the proposed site for a shared entranceway. **Mr. Romine** said he did not know if the parcel to the west was available, but the cost of adding an additional parcel would render the plan economically unfeasible.

Chair Ptasznik closed the public hearing.

Mr. Abel appreciated the efforts of the applicants and applauded their efforts to buffer the neighborhood. High traffic volume and safety were of concern to him. He did not believe it to be the best and safest use of the property and, in fact, could create a traffic nightmare for the neighborhood.

Mr. Hamilton said the Comprehensive Plan did not support a 24-hour-a-day retail operation in that location, and for that reason and because of safety concerns he could not support approval.

Mr. Davis said it appeared the applicant had planned very well for the unusual site. He was inclined not to support it at the current time but would support reconsideration if the applicant were to obtain more land to west to adapt to traffic.

Mr. Ptasznik voiced a particular concern about a left-turn lane at an intersection. The lot would not accommodate the required buffers and green space nor would it lend itself well to this project, in his opinion. He also backed Mr. Hamilton's objection that the proposed use is not supportive of the Comprehensive Plan.

Mr. Barba moved adoption of Resolution No. PC06-3. It failed unanimously, 0-7.